THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No.19067 of 1996

Dated: 21-11-2006

Between:-

Vunise Pothappa and six others.

..Petitioners

And

The District Collector, Chittoor, Chittoor district and two others.

..Respondents.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 19067 of 1996

:ORDER:

In this writ petition, the petitioners, seven in number, seek direction for implementation of the orders in D.Dis.6010/92 dated 28-01-1995 passed by the Revenue Divisional Officer, Madanapalle, Chittoor district, second respondent.

Land ad-measuring Ac. 02-51 cents covered by survey Nos. 70/2, 70/4, 70/4 of B.K. Palle village, Madanapalle mandal, Chittoor district, was originally assigned to some third parties. Challenging the said assignment, petitioners preferred appeal before the second respondent mainly on the ground that the petitioners were in long standing possession of the said land and even without verifying the actual and physical possession of the land in question, the same was illegally assigned to third parties. The appeal filed by the petitioners was allowed by the order passed in proceedings D.Dis.6010/92 dated 28-01-1995 of the second respondent. The appellate authority, while setting aside the assignment made in favour of the third parties, directed the Mandal Revenue Officer, Madanapalle to assign the lands to the appellants after observing the required formalities in force.

In this writ petition, it is the case of the petitioners that though there was a direction for grant of assignment in the order dated 28-01-1995 passed by the second respondent-the Revenue Divisional

Officer, no orders have been issued for granting of patta in favour of the petitioners.

The third respondent-Mandal Revenue Officer has filed counter affidavit on behalf of the respondents. In the counter affidavit, it is stated that pursuant to the orders of the second respondent, assignment proposals were considered and that by letter endorsement in L.Dis.No. 946/96 dated 06-09-1996, the claim of the petitioners for grant of assignment was rejected on the ground that the said land is required for providing house sites. In the counter affidavit it is also stated that the land in question is now within the municipal limits of Madanapally and is a valuable land and the same is located adjoining the Silk Reeling Complex.

Inasmuch as pursuant to the orders issued by the second respondent, the appellate authority, as it is stated in the counter affidavit, the claim of the petitioners was considered and rejected for grant of assignment vide proceedings L.Dis.No. 946/96 dated 06-09-1996.

In that view of the matter, no direction can be given, as sought for by the petitioners, for implementation of the order passed in proceedings D.Dis. 6010/92 dated 28-01-1995 by the second respondent, the Revenue Divisional Officer. I do not find any valid ground, which warrants interference by issuing any direction in this petition filed under Article 226 of the Constitution of India. Leaving open to the petitioners to question the validity of the proceedings dated 06-09-1996 rejecting the claim of the petitioners for grant of patta, the writ petition is dismissed. No order as to costs.

R. SUBHASH REDDY, j

Dated: 21-11-2006
Pvks/*